



USAID
FROM THE AMERICAN PEOPLE



**DIGEST No 1(54) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION,
USAID HUMAN RIGHTS IN ACTION PROGRAM**

October 2019

CONTENTS

USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES	2
HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY	2
STRATEGIC LITIGATIONS	5
FREE LEGAL AID	6
HUMAN RIGHTS EDUCATION AND AWARENESS RAISING.....	7
MAIN EVENTS IN HUMAN RIGHTS AREA.....	9



USAID
FROM THE AMERICAN PEOPLE



USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

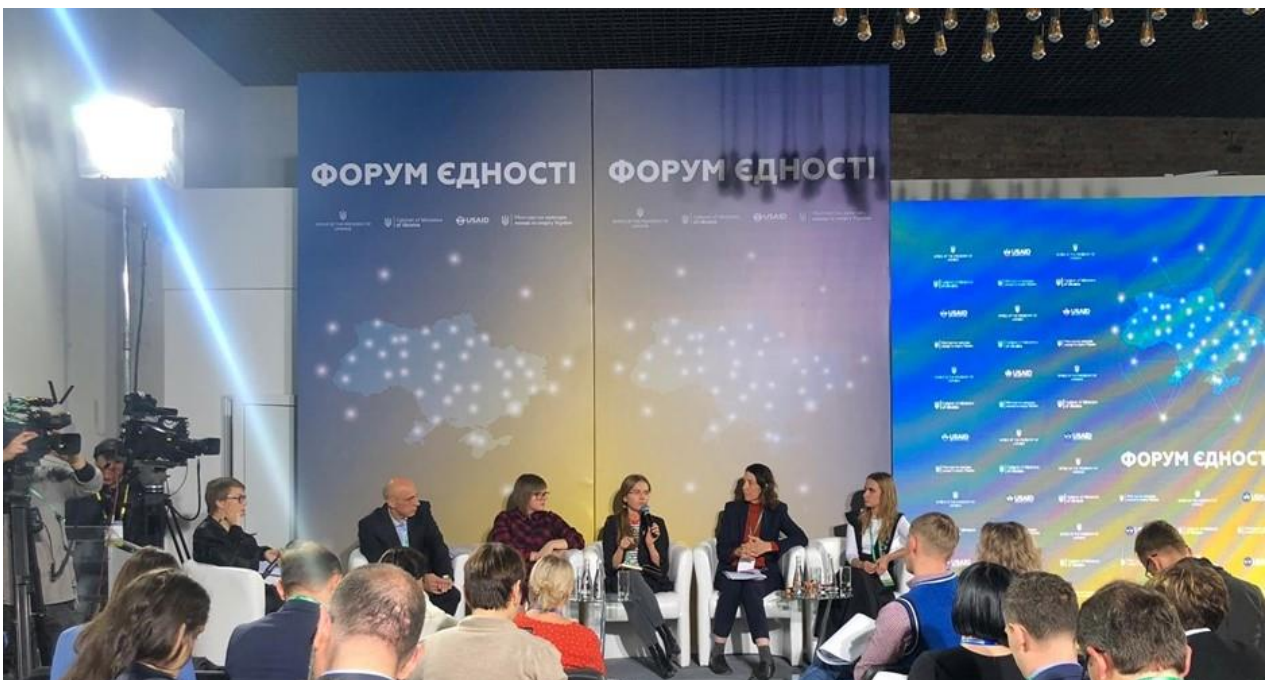
Developing legislative basis for reintegration of NGCA and their residents back to Ukraine

Legal Reform Commission¹ hosted its first, mostly ceremonial, meeting, attended by President Zelenskyy. He [described its tasks](#) pointing out the relevance of [Program-supported] transitional justice model for overcoming the effects of the armed conflict and achieving peace. It should include measures on providing redress to victims of war, prosecuting those responsible for grave crimes, and ensuring the exercise of the right to know the truth about the conflict.

To remind, representatives of the Ukrainian Helsinki Human Rights Union entered the Commission, namely, the Working Group on Reintegration of Temporary Occupied Territories, with UHHRU's Executive Director, Oleksandr Pavlichenko, as its Deputy Head.

Program attended Unity Forum in Mariupol

Amidst this high-level [event](#) (*link in Ukrainian*) under participation of Ukraine's President, UHHRU Executive Director spoke about the tasks before the experts of the [Working Group](#) on Reintegration of Temporarily Occupied Territories within the Legal Reform Commission. In particular, he again touched upon the Program-developed concept of transitional justice, the work on which has been ongoing for over two years with the help of human rights organizations as well as certain government agencies.



¹ The Legal Reform Commission was established on 7th August 2019 as consultative and advisory body under the President of Ukraine. The Presidential Representative in Crimea, representatives of academic, judicial community and donor organization, Crimean Prosecutor, and human rights defenders constituted a Working Group on Reintegration of Temporary Occupied Territories within this Commission.



USAID
FROM THE AMERICAN PEOPLE



Shaping a roadmap for new Parliament concerning ways to overcome consequences of the armed conflict (*links are in Ukrainian*)

On November 16, the Verkhovna Rada co-hosted [a Human Rights Forum](#). During panel discussion on restoration of justice, Program's lawmaking expert talked about necessity to ensure a due trial process in cases paper files of which were lost or remained blocked in the non-government-controlled areas (NGCA) of Donbas or occupied Crimea – to refresh in mind, the Program supports a corresponding bill (please see [this release](#))².

While GOU tries to simplify recognition of birth/death facts occurred in occupied territories, Program raises concern that a new procedure is pretty pointless

Establishing an out-of-court, administrative, procedure is surely a much-demanded measure, because it, among other things, aims to ease people's bureaucratic/paperwork burden, which has been quite an issue. However, our lawyers warn that new GOU-announced procedure brings no relief at all, thus most likely to be ignored by people – [more comments in Ukrainian](#).

Keeping a close eye on Ukraine's human rights commitments relating to conflict-generated challenges

UHHRU/Program in partnership with ally organizations [prepared](#) submission to the 127th session of the UN Human Rights Committee (*link is in Ukrainian*). The document contains 13 most vital questions, which the Committee should ask the Government of Ukraine (GOU) amidst presentation of the 8th Periodic Report on implementation of the International Covenant on Civil and Political Rights, to which Ukraine is a State Party.

Shadow report to the RF's VIII Periodic Report on implementation of the International Covenant on Civil and Political Rights is out now

The said "shadow" report, co-authored by UHHRU/Program, is available from [this link](#) (*in Ukrainian/Russian*). It touches upon Covenant's application in the Autonomous Republic of Crimea and the city of Sevastopol.

UHHRU/Program-prepared questions on observance of PWDs rights were raised by the UN before GOU

The UN Committee the Rights of PWDs released the List of issues prior to submission of the combined second and third reports of Ukraine (the GOU has to submit its periodic report of II-III cycle on implementation of the UN Convention on the Rights of PWDs in 2020) – [link in Ukrainian](#). Just reminding that back in July 2019 UHHRU/Program [presented its vision](#) on what should be done to remedy the situation relating to observance of the rights of PWDs amidst the armed conflict in Ukraine.

² To have a better idea of the full specter of conflict-related issues discussed, [here is a release](#) by "Right to Protection" NGO and [another one](#) by ZMINA NGO (*links are Ukrainian*).



USAID
FROM THE AMERICAN PEOPLE



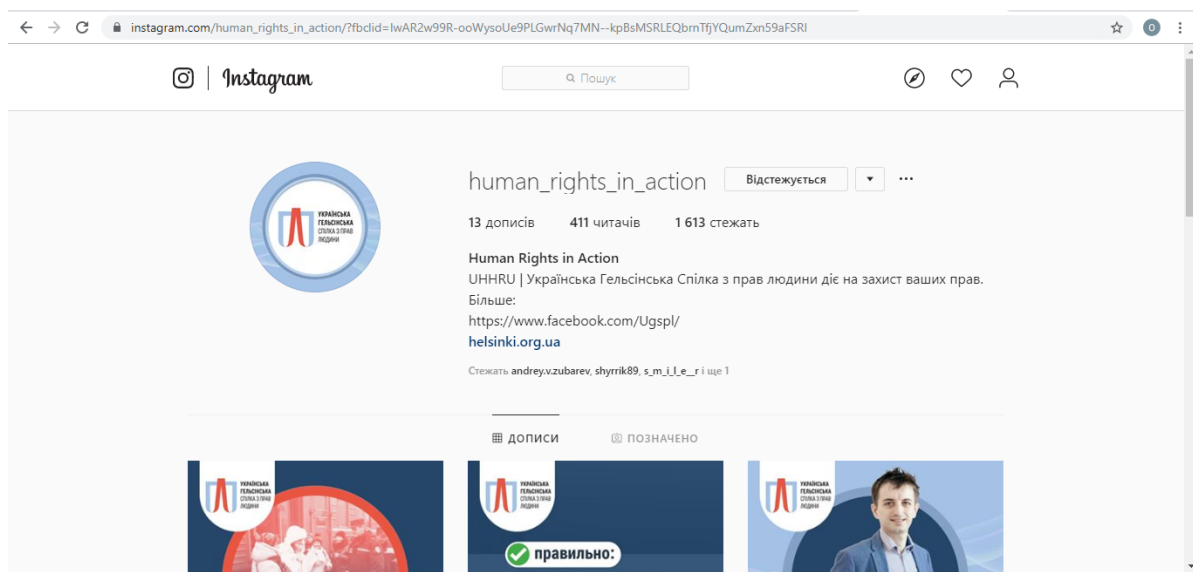
Why Ukraine needs to ratify the Rome Statute (*links are in Ukrainian*)

The ratification and myths that usually come along were in the middle of a discussion [attended](#) by MPs, public officials, and UHHRU/Program delegates as well. While the ratification issue polarized opinions of Ukraine's society, UHHRU [stands strong for the ratification](#) and keeps on advocating accordingly – for instance, at a [subject-matter roundtable event](#) co-hosted by the Parliamentary Committee on Law Enforcement Activity.

In September, Grande Chamber of European Court of Human Rights completed a preliminary hearing on the case “Ukraine v. Russia”: we continue to keep you posted on what is what

The [dispute](#) (*all links in Ukrainian*) centers around Kremlin's violations of the European Convention on Human Rights in occupied Crimea since late February 2014. Inhuman treatment and torture, and limitations put on freedom of religion and right to education – among other infringements – are the topics of the case. In this [readout](#), Program's Chief of Party Taras Tsymbrivsky summarized what is known so far. This theme is also discussed in this [interview](#).

UHHRU/Program kicked off an Instagram account – everyone is [welcome to join!](#)



Other related activities by UHHRU in brief:

- **Response to news saying Ukraine agreed to so-called Steinmeier formula³**

After President Zelenskyy came out with a corresponding release, UHHRU backfired with a list of “[red lines](#)” that should not be crossed on the way to seek for the peace in the Kremlin-occupied Donbas.

- **Safe reintegration of Donbas – what it's about**

UHHRU expert delivered remarks amidst roundtable on Donbas reintegration. What will this reintegration entail? Should it have several different scenarios? What should GOU do not to let state interests suffer in the negotiations? – *find answers from this [link](#) (in Ukrainian).*

³ Source [in Ukrainian](#) and [in English](#).



USAID
FROM THE AMERICAN PEOPLE



- **Human rights defenders will not stop efforts until the last Kremlin's detainee is free** (*links are in Ukrainian*)
 - ✓ UHHRU ally NGOs hosted a [street solidarity action](#) to remind everyone about [dozens](#) of Kremlin's political detainees.
 - ✓ It's not just about those held on political motives. Ukrainian servicemen captured during the hostilities must also return home – [here is](#) an infographics that shows approximate number of POWs/missing individuals in Donbas, and points out the necessity to employ a more systematic approach towards tackling this issue.
- **Kind of hysterical rhetoric of the explanatory note to Kremlin's new bill**

UHHRU Executive Director delivered an [interview](#) (*link is in Ukrainian*) devoted to the Kremlin's recent intention to withdraw from the statement made during the ratification of Protocol I to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts.
- **UHHRU signed memorandum of understanding with the Presidential Representative in Crimea**

The document [sets official framework](#) for further collaboration (*link is in Ukrainian*).
- **UHHRU jointly with partners co-established anti-award "Tse yaytse!"**

It [aims](#) to shame authority figures and media outlets for their sexist rants and publications (*link is in Ukrainian*).

STRATEGIC LITIGATIONS

Within this direction USAID Human Rights in Action Program supports strategic legal cases domestically and internationally to protect public interests⁴, as well as assures their broad media coverage among professional community and public. Total number of UHHRU Strategic Litigation Centre's (SLC) cases within the Program equals 263.

Program stands together with the victims of military depots blasts, assures a degree of protection to them (*link are in Ukrainian*)

Four years ago a blast occurred at the military depots in Svatove, Luhansk Oblast, leaving 4 dead and plenty more with their housing ruined. Our lawyers [keep on fighting](#) to seek compensation for the victims, however, the GOU still remains cold-blooded towards people's grief.

Just reminding that the Program has a record of successful cases to help compensate damaged/destroyed property – [here](#) is one from the most recent ones. So, our team will employ all the experience to help more people.

⁴ Strategic litigations are one of the most powerful tools of human rights protection; conducted in the interests of a citizen or a group of citizens to achieve systemic changes in the legal field for the benefit of society and used for the purpose of creating the case-law (precedents).



USAID
FROM THE AMERICAN PEOPLE



Other related activities by UHHRU in brief

- **Application to the European Court of Human Rights**

An application has been submitted under the ECtHR's Rule 39 on behalf of a Ukrainian citizen who has been unlawfully detained in an occupied Donetsk detention facility since 2014. The applicant suffers from several chronic conditions and eyesight problems, and in the absence of proper medical assistance his condition has been deteriorating, with his eyesight worsening dramatically.

FREE LEGAL AID

[UHHRU network](#) of legal aid centers (LACs) keeps on delivering free legal aid (including outreach legal consultations in the remote areas), holding information and awareness raising events in the sphere of human rights as well as documenting war crimes and conflict-related human rights abuse. USAID supports activities of the UHHRU's legal aid centers in Starobilsk of Luhansk oblast, [Toretsk](#), [Mariupol](#), Kramatorsk, [Pokrovsk](#) of Dnetsk oblast, [Sumy](#) and Dnipro providing legal aid to conflict-affected population, as well as a [Kyiv-based Specialized LAC](#) targeting both Crimean and Donbas residents and IDPs and a Specialized Crimea-oriented LAC in Kherson.

Events to raise awareness of citizens on how to protect their rights (*links are in Ukrainian*)

- Kramatorsk LAC [raises awareness](#) on what IDPs should do if they have outstanding loans, which could not be timely repaid because of the armed conflict events.
- The Sumy LAC monitors dates that have significance from the standpoint of human rights. October 1st is the International Day of Older Persons, meant to draw public attention to manifestations of prejudice toward this category of people, as well as to address the problems they face – here's a related [publication](#). Also, October 18th marks the European Anti-Trafficking Day, and the LAC was happy to join a thematic [street action](#) supported by local students.
- Representatives of the Dnipro LAC [held](#) a panel discussion for lawyers to be, entitled "Discrimination: Nature and Legal Dimension". Its purpose was not just to analyze domestic and international anti-discrimination law, but also to emphasize how unacceptable this phenomenon is and to explain its nature.
- The Starobilsk LAC provides an [algorithm](#) for IDPs to help them obtain subsidies for utilities.

Legal assistance to victims of the armed conflict and occupation

- A small yet important success story from Pokrovsk: Program's lawyers [helped](#) an IDP from occupied Donetsk, an orphan, to retrieve suspended pension payments.
- Mariupol-based lawyers supplied an IDP with exhaustive legal advice and supported her case until the victory has been scored – the [dispute](#) concerned inheritance-related matter, which is also trendy among IDPs.



USAID
FROM THE AMERICAN PEOPLE



- Also, we often encounter cases where IDPs are nationals of other countries, who face even greater difficulties and injustice in civil services – learn more in [this article](#) from the Dnipro LAC.
- A former detainee is fighting in court, [with the help of Dnipro LAC lawyers](#), to be paid her salary that she had missed while in captivity.

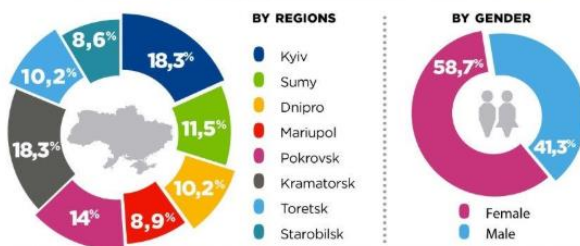
Latest infographics to illustrate legal aid network performance

Program continues regular reporting on the results of LACs' work – we are glad to present information for [September](#) and [October](#) 2019 with thematic, regional, and gender disaggregation.



SEPTEMBER 2019

Total number of appeals for legal assistance • **235**



MAJOR SUBJECTS OF APPEALS:

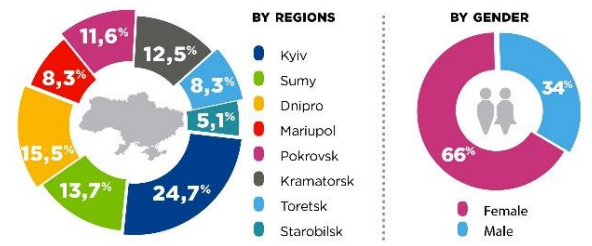


LEGAL ASSISTANCE PROVIDED



OCTOBER 2019

Total number of appeals for legal assistance • **336**



MAJOR SUBJECTS OF APPEALS:



LEGAL ASSISTANCE PROVIDED



HUMAN RIGHTS EDUCATION AND AWARENESS RAISING

UHHRU keeps on organizing human rights training events as well as formulating a comprehensive national human rights education policy. This activity is implemented under Ukraine-wide Educational

Program “[We Understand Human Rights](#)” (WUHR)⁵, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

Program continues advancing skills of Ukrainian legal practitioners in a “game” format

Within piloting its training course on IHL, the Program hosted the [third moot court](#) sitting for a mixed group of judges, lawyers and the Crimean prosecutors (*link is in Ukrainian*). 24 participants from Cherkasy, Chernihiv, Dnipro, Kyiv, Mykolaiv, and Odesa were simulating a trial hearing on crimes committed in course of Crimea’s occupation, and all in all announced a decision that is in harmony not only with domestic legislation but also considers international law of the armed conflict.



Other educational events that took place over this month (*links are in Ukrainian*)

- The Program continues delivering the Practicum on Human Rights Protection, allowing to equip the master-level students of the Taras Shevchenko National University of Kyiv majoring in international law with theoretical knowledge and practical insights on the cutting-edge transitional justice issues. Several classes were held this month – [here’s](#) one.
- Program-attributed lawyer delivered a series of public lectures on IHL, the armed conflict and Russia's aggression. [Here’s](#) the event that launched this series.

Why Ukraine needs more activities like Mistechko USAID

The Program regularly attends the Mistechko events organized by the USAID all across Ukraine. In our [latest publication](#), we share ideas on why such events are important (*links is in Ukrainian*).

⁵ Launched in 2007, the Program envisages development of informal human rights education, contributing to cultivating a human rights culture, strengthening respect for the rule of law in Ukraine, promoting intercultural understanding and principles of peaceful conflict resolution. The Program currently counts more than 3,500 alumni from all regions of Ukraine.



USAID
FROM THE AMERICAN PEOPLE



MAIN EVENTS IN HUMAN RIGHTS AREA

Russia's court sentenced Crimean Tatar journalist Memedeminov to 2,5 years of imprisonment

The journalist Nariman Memedeminov is accused of public calls for terrorism. In Ukraine, Memedeminov is considered one of many Crimean Tatars held by the RF as political detainees.

UHHRU and other human rights NGOs strongly condemn such actions and [call again](#) for Russia to immediately release all hostages, as well as international community, to intensify pressure on Kremlin, including to impose targeted sanctions.

A commission to restore territorial integrity of Ukraine is established

The Verkhovna Rada [established](#) (*link is in Ukrainian*) a Temporary Special Commission on the Formation and Implementation of the State Policy Towards Restoring the Territorial Integrity and Ensuring the Sovereignty of Ukraine. Among other things, the Commission is to coordinate the work and networking efforts of the selected Parliamentary committees' duties and responsibilities relating to such issues as monitoring of and reacting to potential threats to country's national interests amidst its striving to reintegrate temporarily occupied territories.

Prosecutor General's Office of Ukraine in its hierarchy established a Department for the Supervision of Criminal Proceedings Concerning Crimes Committed Amidst the Armed Conflict

According to the Prosecutor General's order, the Department will include two offices, activities of which will be aimed at overseeing the investigation of crimes committed in the temporarily occupied territories of Crimea and Donbas.

*UHHRU welcomes this decision, and [here](#) is an explanation why (*link is in Ukrainian*).*

This Digest is made possible by the generous support of the American people through the United States Agency for International Development (USAID) in the framework of the Human Rights in Action Program implemented by the Ukrainian Helsinki Human Rights Union. The contents are the responsibility of the Ukrainian Helsinki Human Rights Union and do not necessarily reflect the views of USAID or the United States Government.

USAID is the world's premier international development agency and a catalytic actor driving development results. USAID's work demonstrates American generosity, and promotes a path to recipient self-reliance and resilience, and advances U.S. national security and economic prosperity. USAID has partnered with Ukraine since 1992, providing more than \$3 billion in assistance. USAID's current strategic priorities include strengthening democracy and good governance, promoting economic development and energy security, improving health care systems, and mitigating the effects of the conflict in the east. For additional information about USAID in Ukraine, please call USAID's Development Outreach and Communications Office at: +38 (044) 521-57-53. You may also visit our website: <http://www.usaid.gov/ukraine> or our Facebook page at <https://www.facebook.com/USAIDUkraine>.

USAID Human Rights in Action Program, contact information:

The Ukrainian Helsinki Human Rights Union
3/34 Frolivska St., Kyiv, Ukraine
Phone: 044 485 17 92, fax: 044 425 99 24
Contact email: t.tsymbriivskyy@helsinki.org.ua
Website: <http://helsinki.org.ua/>